

**From:** tom.crosby  
**To:** Microsoft ATR  
**Date:** 1/27/02 9:01pm  
**Subject:** Microsoft Settlement

Please see attached.

January 27, 2002

Attorney General John Ashcroft  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Mr. Ashcroft,

Apparently, the federal government defines "success" as meaning "antitrust" and seems to derive great satisfaction from misapplying this incorrect definition in order to destroy "overly successful" American companies such as Microsoft. It really is a shame, and I am very glad a settlement was reached that keeps Microsoft intact.

This is the second time I have seen the federal government go after a successful company. Unlike Microsoft Case, the company in the second case was small, very successful and growing very quickly. There was also a much larger company selling the same products, in the same market. Yet, because a competitor complained, the government argued that the company was a monopoly in the marketplace (defined to be the users of its equipment). Since the larger company was also very successful, growing rapidly, and could supply an alternative system, it is hard to understand the thinking in this case. In both cases, the real issue seems to be that there were mistakes made by management in their strategy and tactics in dealing with a competitor. Rather than admit they made these mistakes, they have decided to blame someone else for their failures and try to obtain additional rewards for their poor work.

Unfortunately, the litigation cost American taxpayers and the Companies untold millions of dollars to prove one thing: the government egregiously misapplied outdated antitrust law, written for nineteenth century smokestack industries, to 21st century technology innovation and business practices.

While the settlement may spare Microsoft from being broken up, it still applies stringent requirements that will substantially force it to change the way it conducts business. I will not list all of them, as I am sure you are familiar with the settlement. Microsoft agreeing to cede its source code for the Windows operating system to its competitors is unprecedented in an antitrust settlement, and ought to indicate the magnitude of this settlement

The High Technology Industry is an industry where prices go down every year and product functionality improves. I do not understand why the Government thinks this is harmful to consumers. If this settlement is done incorrectly, I think the consumer will end up paying more, especially for support. Support will become a disaster as more vendors add their software and do no integration testing with all the other vendors' software. I hope you will close this case quickly and with the least possible damage to the computer end user.

Sincerely,

Thomas W. Crosby Jr.

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